

SENATE BILL No. 376

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-15.

Synopsis: Line of duty disability from Parkinson's disease. Creates a presumption that a police officer, firefighter, or emergency medical services provider who is diagnosed with Parkinson's disease after being exposed to certain toxins or trauma has incurred a line-of-duty disability. (Current law provides that certain cancers or heart or lung disease is presumed to have been incurred in the line of duty.)

Effective: July 1, 2009.

Merritt

January 8, 2009, read first time and referred to Committee on Pensions and Labor.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 376

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-15-2, AS ADDED BY P.L.62-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 2. As used in this chapter, "at risk for occupational
4 exposure" means that an individual incurs risk in performing the basic
5 duties of the individual's employment, including:

6 (1) providing emergency medical treatment in a nonhealth care
7 setting where there is a potential for contact with;

8 (2) working at the scene of an accident, a fire, or another rescue
9 or public safety operation, or working in an emergency rescue
10 vehicle or a public safety vehicle, during which the individual has
11 contact with;

12 (3) engaging in the pursuit, apprehension, and arrest of law
13 violators, during which the individual may be exposed to; or

14 (4) maintaining custody and physical restraint of prisoners or
15 inmates of a prison, a jail, or another criminal detention facility
16 during which the individual may be exposed to;

17 a known carcinogen, or a substance or condition that adversely affects

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an individual's cardiovascular, **neurological**, or respiratory system.

SECTION 2. IC 5-10-15-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5.5. As used in this chapter, "exposure related Parkinson's disease" refers to Parkinson's disease that is caused by a toxin or head trauma:**

(1) known to increase the risk for the development of Parkinson's disease; and

(2) to which an individual is at risk for occupational exposure.

SECTION 3. IC 5-10-15-8, AS ADDED BY P.L.62-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8. As used in this chapter, "substance or condition that adversely affects an individual's cardiovascular, **neurological**, or respiratory system" refers to a substance or condition the exposure to which is recognized by the National Institute for Occupational Safety and Health as creating a high risk for the development of heart, ~~or~~ lung, or Parkinson's disease.**

SECTION 4. IC 5-10-15-9, AS ADDED BY P.L.62-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9. (a) An employee or former employee who:**

(1) is diagnosed with an exposure related cancer, ~~or~~ exposure related heart or lung disease, or exposure related Parkinson's disease that:

(A) requires medical treatment; or

(B) results in total or partial disability; and

(2) at the time of the diagnosis:

(A) is actively employed; or

(B) has terminated employment not more than sixty (60) months earlier;

is presumed to have a disability incurred in the line of duty.

(b) The presumption described in subsection (a) may be rebutted by competent evidence.

(c) A meeting or hearing held to rebut the presumption described in subsection (a) may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

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